IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6795 OF 2005

Saraswati Vithal Ankole & Anr. .. Petitioners.
Vs.
Joshi Mehta & Associates .. Respondents.

Mr.P.N.Patwardhan for the petitioners.
Mr.P.G.Lad for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 7TH OCTOBER, 2005

P.C.:

. Heard learned counsel for the parties.

2. Mr.Patwardhan, learned counsel for the petitioners after arguing this petition for sometime fairly stated that the petitioners would be satisfied if they are given liberty to put appropriate questions to the witness during cross examination in order to bring on record that the statements made in the affidavit filed in lieu of examination in chief are not based on the pleadings and further to raise a question that his evidence is not admissible at the stage of final arguments. He did not press this petition on merits. Mr.Lad, learned counsel for the respondent did not object withdrawal of the petition and the liberty sought. Looking to the nature of the controversy and

keeping in view the settled position of law in respect of recording of evidence, I find absolutely no difficulty in granting liberty as prayed for. Order accordingly. All contentions are left open.

(D.B.Bhosale, J.)